



# JTPA

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Serving the People of California

DIRECTIVE

Date: October 7, 1997

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TO: SERVICE DELIVERY AREA ADMINISTRATORS  
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS  
JTPD PROGRAM OPERATORS  
EDD JOB SERVICE OFFICE MANAGERS  
JTPD STAFF

SUBJECT: ELIGIBILITY DETERMINATION AND VERIFICATION FOR TITLES II,  
III, AND IV-C

## EXECUTIVE SUMMARY:

### Purpose:

This Directive contains federal and State requirements for eligibility determination and verification for Titles II, III and IV-C of the Job Training Partnership Act (JTPA). It revises some of the documentation requirements in JTPA Directive D95-30, which it replaces. The Department of Labor (DOL) Title II Eligibility Documentation Technical Assistance Guide (TAG), originally issued to Service Delivery Areas (SDA) on March 24, 1993, in conjunction with DOL Training and Employment Information Notice (TEIN) 22-92, remains in effect. Changes 1 through 5 to TEIN 22-92 subsequently amended the TAG. The five changes to the TEIN constitute Attachment 1 to this Directive. Change 4 includes copies of explanatory State JTPA Information Bulletins B96-54 and B96-67, and Change 5 is accompanied by Information Bulletin B96-83.

This Directive also includes tables of acceptable eligibility documentation for the Title III Dislocated Workers and Title IV-C Veterans' Employment programs (Attachments 2 through 4). Revisions to the State's documentation requirements regarding the Title III eligibility factor "long-term unemployed," originally transmitted with Information Bulletin B96-102 (February 19, 1997), are incorporated in Attachment 2.

This Directive incorporates and makes minor revisions to the information contained in Directive D95-2, Subject: JTPA Military Selective Service Registration Requirement, which it supersedes. The attachments to the former Directive are incorporated as Attachment 5 to this Directive.

Attachments 6 and 7 provide hypothetical examples of the use of sample eligibility verification which are applicable to Titles II and III.

In addition, this Directive contains policy and procedures for maintaining the required confidentiality regarding the documentation requirements for youth who are eligible for free meals under the National School Lunch Act. Further, it contains the State of California policy on the exclusion of 25 percent of Social Security and Old Age Survivors' benefit payments regarding the income eligibility of older workers under all Title II programs. Attachment 8 is a copy of the DOL letter dated September 11, 1995, which granted the waiver upon which California's policy is based.

This Directive contains policy and procedures for using welfare agency documentation to verify the eligibility of Greater Avenues for Independence (GAIN) participant referrals to Title II programs operated by SDAs and other applicable subrecipients. Attachment 9 contains the "Joint Policy Statement Regarding JTPA Eligibility Documentation for GAIN Participants" executed by the Job Training Partnership Division (JTPD) of the Employment Development Department (EDD) and the Employment and Refugee Programs Branch of the California Department of Social Services.

Finally, this Directive updates information in Directives 87-11 and 87-15, both of which it supersedes, regarding the Immigration Reform and Control Act of 1986, I-9 Employment Eligibility Verification form. A revised I-9 Handbook for Employers and two Immigration and Naturalization Service (INS) I-9 Employer Information Bulletins are included in Attachment 10.

#### **Scope:**

The requirements in this Directive apply to SDAs and other subrecipients responsible for determining and verifying the eligibility of participants in Title II-A adult and older worker programs, Title II-C youth programs, the Title II-B Summer Youth Employment and Training Program (SYETP), Title III Economic Dislocation and Worker Adjustment Assistance (EDWAA), and Title IV-C Veterans' Employment Programs.

#### **Effective Date:**

This Directive is effective immediately.

#### **REFERENCES:**

- JTPA Sections 4(27) & (29), 141(e), 165(e), 203, 204(d)(5), 254(b), 263, 301(a), 311(b)(1) & (b)(4), 314(h), 325, 325(A), 326, 441(a)(1), 454, and 604
- JTPA Final Rule, Title 20, Code of Federal Regulations (CFR) Sections 626.5, 627.235(b) & (c), 628.605, 628.702, 628.803, 631.2, 631.3, and 631.36(a)(1)(iii) & (a)(2), 631.53
- DOL Title II Eligibility Documentation TAG (issued to SDAs March 24, 1993)
- DOL JTPA Regional Bulletin (JRB) 25-93 (transmitted under JTPA Amendment Alert Number 21, April 9, 1993)
- DOL Training and Employment Information Notice (TEIN) 22-92, Subject: JTPA Title II Eligibility Documentation Guide, Changes 1 through 5 (various dates - see Attachment 1)

- TEIN 20-94, Subject: Change in Selective Service Status Information Letters, February 14, 1995
- Standardized Program Information Record (SPIR)
- DOL Solicitation for Grant Applications 96-01 Veterans' Employment and Training Service, April 1996
- Military Selective Service Act
- Family Economic Security Act (FESA)/California Unemployment Insurance Code (CUIC) Sections 15010, 15011, 15012, and 15026
- Handbook for Employers, Instructions for Completing the Form I-9, November 1991
- California Civil Code, Section 62
- JTPA Directive D95-7, Subject: Federal and State Guidance for 1995 SYETP, August 9, 1995
- JTPA Client Forms Handbook
- JTPA Information Bulletin Number B95-55, Subject: Waiver of JTPA Final Rule Provision Regarding 25 Percent Income Disregard For Older Worker Eligibility, October 5, 1995
- JTPA Information Bulletin B95-96, Subject: Title III Eligibility Regarding Referrals from Profiling, January 10, 1996
- JTPA Information Bulletin B96-54, Subject: JTPA Eligibility Documentation TAG - Revision, October 22, 1996
- JTPA Information Bulletin B96-67, Subject: JTPA Eligibility Documentation - NUMI Printout, December 2, 1996
- JTPA Information Bulletin B96-83, Subject: Deletion of Voter Registration Card as Proof of Citizenship, January 7, 1997
- JTPA Information Bulletin B96-102, Subject: Long-Term Unemployed, February 19, 1997

#### **STATE-IMPOSED REQUIREMENTS:**

This Directive contains State-imposed requirements which are printed in ***bold, italic type***.

#### **FILING INSTRUCTIONS:**

This Directive supersedes the following Directives:

- 87-11, dated June 23, 1987
- 87-15, dated July 22, 1987
- D95-2, dated July 13, 1995
- D95-30, dated February 22, 1996

Retain this Directive until further notice.

## **BACKGROUND:**

The Job Training Reform Amendments of 1992 required the Secretary of Labor to provide guidance and technical assistance to states and SDAs relating to the documentation required to verify the eligibility of participants under parts A, B, and C of Title II of the Act. The Title II Eligibility Documentation TAG was prepared by DOL in compliance with Section 454 of the amended JTPA. The TAG was transmitted to SDAs with Directive 93-1, dated March 24, 1993, and was incorporated by reference in Interim Directive 93-16, dated October 29, 1993, which superseded 93-1, and again in Directive D95-30, dated February 22, 1996, which superseded 93-16.

Because DOL did not provide similar guidance with regard to Title III EDWAA and Title IV-C Veterans' Employment Programs, the State of California issued such guidance in Directive D95-30, which this Directive supersedes. Where applicable, the requirements regarding Titles III and IV-C have been made consistent with guidance in the TAG. The non title-specific (or "general") JTPA documentation requirements for citizenship/alien status and Military Selective Service registration, as well as other applicable areas, are incorporated for Titles III and IV-C by reference to the TAG.

The Amendments created Title II-C specifically to serve youth participants. Section 263 of the Act details eligibility requirements and targeting ratios for "In-School" and "Out-of-School" youth participants. "In-School" youth must meet specific age and economic requirements. As an alternative to meeting the economic eligibility criteria, Section 263(a)(2)(C) provides that youth of the appropriate age who are eligible to receive free meals under the National School Lunch Act (42 U. S. C. 1751, et seq.) during the most recent school year, are eligible to receive JTPA services. The Amendments provide the same alternative for participants in the Title II-B SYETP, under Section 254(b)(2)(B). The United States Department of Agriculture and the California Department of Education require school districts to maintain confidentiality regarding participation in the free meals program.

The Final Rule, Title 20CFR Section 626.5, Family Income, states that the Governor may, for the purposes of determining income eligibility for services to older individuals under JTPA Section 204(d)(5), exclude up to 25 percent of Social Security and Old Age Survivors' Insurance benefit payments under Title II of the Social Security Act (42 U. S. C. Section 401, et seq.). In a letter dated September 11, 1995 (originally transmitted with JTPA Information Bulletin Number B95-55, October 5, 1995 - see Attachment 8 for a copy of the letter), DOL granted a waiver of the provision which allows the State to apply the 25 percent exclusion to older workers in all Title II programs for a four-year period from the date of the letter (i.e., through September 11, 1999).

The JTPA Section 454(b) states that guidance provided by DOL shall "limit the documentation to the minimum necessary to adequately verify . . . eligibility" and "ensure, to the extent practicable, that the documentation requirements shall not discourage the participation of eligible individuals." The preamble to the Final Rule states DOL's desire "to minimize the amount of documentation necessary to establish

an individual's eligibility for services, while maintaining the necessary safeguards to prevent misuse of program funds." Prior to the JTPA Amendments, the JTPD conducted a pilot project to examine the viability of using welfare agency documentation on participants in the GAIN program to verify the eligibility of GAIN referrals to SDAs' Title II programs. The JTPD's review of the project indicated that the documentation collected by the participating local welfare offices was sufficient to verify JTPA Title II eligibility for the following factors: social security number, residency, age, citizenship/alien status (right-to-work), and economically disadvantaged status. (Military Selective Service registration documentation was not collected by the welfare departments.) The policy and procedures described in this Directive provide SDAs and welfare offices with a method for avoiding duplication and streamlining the eligibility determination and referral process regarding GAIN clients.

Section 604 of the JTPA requires that all applicable male JTPA participants demonstrate compliance with Selective Service registration requirements under the Military Selective Service Act (MSSA, 50 U.S.C. App. Section 452, et seq.) as a condition of participation in JTPA, if otherwise eligible for the program. Training and Employment Guidance Letter (TEGL) 4-89, which is included in Appendix B of the TAG, contains requirements for Selective Service registration and SDA responsibilities for determining an individual's status. It is applicable to all male applicants born after December 31, 1959. The DOL TEIN 20-94 (February 20, 1995) contains the latest revisions to the Selective Service registration procedures regarding the interpretation of Status Information Letters. Attachment 5 incorporates this TEIN.

Effective June 1, 1987, the Immigration Reform and Control Act (IRCA) of 1986 required employers to verify the identity and employment eligibility of their employees via an "I-9 Employment Eligibility Verification" form. Superseded Directives 87-11 and 87-15 provided guidance on the I-9 requirements and included the original versions of the I-9 form and the Handbook for Employers. On November 29, 1990, the President signed into law the Immigration Act of 1990, which amended the Immigration and Nationality Act by adding new anti-discrimination provisions and new document fraud provisions. In November of 1991, the Immigration and Naturalization Service (INS) issued a revised form I-9 and revised Handbook for Employers (see attachment 10 for these revisions).

## **POLICY AND PROCEDURES:**

### **1. General:**

The SDAs and other JTPA subrecipients must maintain JTPA eligibility determination and verification systems that are sufficient to guard against serving ineligible participants. At a minimum, systems must provide for the verification of citizenship/alien status (JTPA Section 167[a][5]), compliance with the Military Selective Service Act registration requirements (JTPA Section 604), and JTPA title/funding source-specific eligibility requirements. ***Each SDA is responsible for taking immediate action to terminate the participation of individuals who establish JTPA eligibility by providing false information or fabricated documentation and of any who are found to be ineligible***

**subsequent to enrollment.** The amended JTPA regulations provide for the possibility of the approval of waiver requests of State liability and requests to forego certain debt collection actions against SDAs that identify and prosecute fraudulent activity and aggressively pursue debt collection from the perpetrators of fraud.

***The State will consider the extent to which an SDA has adopted and followed the guidance contained in this Directive and the TAG when deciding to allow or disallow questioned costs related to the documentation of an individual's participation in JTPA programs*** (DOL Title II Eligibility Documentation TAG, Introduction; and DOL JTPA Regional Bulletin Number 25-93 [transmitted under State JTPA Amendment Alert Number 21, April 9, 1993], page 3, question 9).

**2. Delegation of Responsibility for Eligibility Determination and Verification:**

***The SDAs may delegate responsibility for eligibility determination and verification to subrecipients. If SDAs delegate these responsibilities, they must:***

- a. establish and implement procedures that ensure that the subrecipients have eligibility determination systems in place that fully comply with this Directive; and***
- b. take prompt and efficient corrective action regarding any deficiencies discovered, including, if applicable, deficiencies in sample verification.***

***The State will hold SDAs and other direct recipients of JTPA funds from the State solely liable for JTPA funds that have been expended in serving ineligible participants.***

**3. Revisions to the TAG:**

The DOL TEIN 22-92, Changes 1 through 5 (see Attachment 1), contain various revisions to the TAG. Please ensure that all appropriate changes have been made.

**4. Acceptable Documentation:**

The TAG provides tables of acceptable documentation for verifying Title II eligibility. ***For the purpose of documenting the eligibility of Title II applicants and participants, either through 100 percent verification at intake or using a State-approved sampling method, it is required that SDAs, at a minimum, comply with the documentation requirements in the TAG. With respect to citizenship/alien status (i. e., the right to work in the United States), SDAs may use any of the documents listed in parts II and IV of the TAG and any of the documents referenced on the United States Immigration and Naturalization Service Form I-9 in either List A or a combination of one document from List B (exception: voter's registration card - see Attachment 1, TEIN 22-92, Change 5) and one from List C. A copy of the I-9 is included in Appendix C of the TAG, and an additional copy is***

included in the I-9 Handbook for Employers, Attachment 10 to this Directive. See number 14 under Policy and Procedures (below) for further information and requirements regarding the I-9 for SDAs and their subrecipients who are the employers of JTPA participants.

Attachment 2 to this Directive is a table of acceptable documentation for verifying Title III EDWAA eligibility which was developed by the State. ***For the purpose of verifying the eligibility of Title III applicants and participants, either through 100 percent verification at intake or using a State-approved sample method, it is required that SDAs, at a minimum, comply with the documentation requirements in the table.*** This table has been formatted like tables in the TAG and may be filed as a supplement to the TAG. In addition, Attachment 3 provides information in a flow chart format as an aid in determining the eligibility for Title III programs of military and civilian personnel dislocated because of downsizing in the defense establishment.

Attachment 4 to this Directive is a State-developed table of acceptable documentation for verifying eligibility for Title IV-C Veterans' Employment Programs, formatted like the tables in the TAG. ***For the purpose of verifying the eligibility of Title IV-C participants, it is required that SDAs, at a minimum, comply with the documentation requirements in this table.***

In addition to the title-specific eligibility requirements, JTPA requires citizenship/alien status (i.e., the right to work in the United States) and, if applicable, Selective Service registration to be verified for Title III and Title IV-C participants. ***The documentation requirements regarding citizenship/alien status contained in the TAG are to be applied to the verification of this factor for Title III and Title IV-C participants. The I-9 criteria referenced above also may be applied. The documentation requirements for Selective Service registration contained in Appendix B (TEGL 4-89) of the TAG and the guidance in number 6 under Policy and Procedures (below) are to be applied to the verification of this factor for all JTPA participants.***

#### **5. Verification, Documentation, and Corroborative Witness:**

The definitions of the terms "verification," "documentation," and "corroborative witness" are contained in the TAG in Part I, page I-5. The TAG requires that SDAs attempt to obtain documentation of the various eligibility factors, which may include telephone contacts with cognizant governmental and social service agencies and document inspection as described in Part III of the TAG, before accepting an applicant statement. ***When the applicant statement is used, SDAs must indicate what attempts have been made (and failed) to obtain documentation.*** The DOL does not allow for the use of the applicant statement to verify citizenship/alien status (i.e., the right-to-work in the United States) or Military Selective Service registration or exemption.

***The TAG definitions of the above-referenced terms are to be applied in the verification of Title III eligibility. In applying the telephone contact and***

***document inspection methods to Title III applicants, SDAs may use information received from employers/former employers of these individuals. As a last resort, if no other documentation can be obtained, SDAs may use the applicant statement to document Title III-specific eligibility factors. When the applicant statement is used, SDAs must indicate what attempts have been made (and failed) to obtain documentation. A corroborative witness must sign the applicant statement, unless an appropriate reason for the unavailability of such a witness is documented on the statement.***

***The telephone contact and document inspection method also may be used to document Title IV-C eligibility. Documented telephone contacts with the Department of Veterans Affairs or other federal, State, or local government veterans service agencies are acceptable if copies of applicable documents, such as the DD 214, cannot be obtained. Applicant statements may not be used to verify Title IV-C eligibility factors.***

#### **6. Selective Service Registration Requirement:**

Refer to Appendix B in the TAG (TEGL 4-89) for specific requirements and procedures regarding Selective Service registration. Page B1-3, item 5, contains the steps to be followed in determining whether male applicants for JTPA programs satisfy the Selective Service registration requirement.

Item 5b states the criteria regarding males who have attained the age of 18 but have not yet attained age 26. All males still under the age of 26 are required to be registered as a condition for JTPA participation, unless exempt from the registration requirement. TEIN 20-94 (Attachment 5) contains a chart that indicates what categories of males ages 18 through 25 are subject to the registration requirement.

Item 5c states the criteria regarding males born after December 31, 1959, who are 26 years of age or older. Item 5e states the requirements regarding lawfully admitted aliens. Males born after December 31, 1959, who are age 26 or older and who can satisfy the documentation criteria stated in 5c or 5e may be enrolled in JTPA, if otherwise eligible. If they cannot satisfy the documentation criteria, then it will be necessary to obtain a Status Information Letter to make a determination whether they have satisfied the Selective Service registration requirement. The Status Information Letter should be obtained only as a last resort if no other documentation of compliance with the Selective Service registration requirement can be obtained.

Attachment 5, DOL TEIN 20-94, replaces item 5d on page B1-5 of the TAG Appendix B regarding the interpretation of Status Information Letters. If the Status Information Letter indicates that an otherwise JTPA-eligible individual was required to register and failed to do so or is not registered, then the individual may not be enrolled in JTPA. If the individual was not required to register or was exempt, then he may be enrolled in JTPA, if otherwise eligible.



Attachment 5 also contains sample Status Information Letters and a chart with codes for identifying and interpreting each type of letter.

You may request information from the Selective Service System's automated telephone information system at (847) 688-8888, or verification of Selective Service registration via facsimile (fax) machine. A copy of the Selective Service System's Registration FAX Verification request form is also included with Attachment 5. The Selective Service System's fax number is (847) 688-2860. Please note that some of the forms included in Attachment 5 reflect the Selective Service System's former area code - (708). When contacting the Selective Service System by telephone or fax, please use the newly assigned area code - (847).

#### **7. Governor's Definition of "Dependent Child:"**

The JTPA Section 4(34) defines "family" as "two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in the following categories:

- A husband, wife, and dependent children.
- A parent or guardian and dependent children.
- A husband and wife."

The JTPA regulations in 20 CFR Section 626.5, allow the Governor to provide interpretations of the term "family" related to how "dependent children" are defined for the purposes of income eligibility determination and family size. Accordingly, the Governor defines the term "dependent child" as follows:

***A dependent child is an individual who is:***

- ***under the age of 18 and is not an emancipated minor, as defined below;***
- ***age 18 and a full-time student in a secondary school (or in the equivalent level of vocational or technical training), if, before the individual attains the age of 19, the individual may reasonably be expected to complete the program of such secondary school (or such training); or***
- ***age 18 through 21, and for whom over 50 percent of the individual's support is provided by the family. "Support" is defined as cash income, food, a place to live, medical and dental care, clothing, and education. It also includes items such as a car and furniture, but only if they are for the person's own use or benefit. In figuring the total amount of support and the percentage provided by the family:***
  - ***use the actual (if known) or estimated cost of these items; figure the cost of a place to live at its fair rental value; and***
  - ***include as part of the total support (and exclude it from the family's contribution to the total) any cash income received by the individual from sources outside the family that is includable in determining JTPA Title II eligibility (e.g., wages, salaries, income from self-***

*employment, dividends, etc.). Refer to the TAG, Appendix A4-1a, for further information.*

*Documentation of factors involved in determining total support must adhere to the documentation requirements of the TAG, including the alternate forms of documentation explained in Part III of the TAG. Applicant statements may be used to document any factors which cannot otherwise be verified.*

*The California Civil Code, Section 62, defines "emancipated minor" as any person under the age of 18 years who:*

- has entered into a valid marriage, whether or not such marriage was terminated by dissolution;*
- is on active duty with any of the armed forces of the United States of America; or*
- has received a declaration of emancipation pursuant to California Civil Code 64.*

**8. Authorizing Minors to Participate in JTPA - "Other Responsible Adult:"**

The FESA [Chapter 731, Statutes of 1993] was amended to include the following provision [CUIC §15012(c)]:

*"For purposes of authorizing a minor to participate in Job Training Partnership Act programs, the signature of the parent, guardian, or other responsible adult is required."*

*This provision allows the SDA to enroll minors into the program with the authorization of individuals other than a parent or legal guardian. The definition of "other responsible adult" includes:*

- A relative with whom the individual resides.*
- An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency.*
- An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation), for example, a clergy person, a school teacher or other school official, a probation or other officer of the court, a foster parent.*
- A representative of an agency which is providing support services to the individual and who is aware of the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation) for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official.*
- Other responsible adults determined by the Private Industry Council as appropriate to authorize the individual's participation.*

## 9. Certifying Eligibility Determination:

***The State requires that someone, other than the person who initially determined eligibility, must review the documentation to ensure that eligibility was properly determined based upon the information recorded at intake. This reviewer's signature on the registration form certifies that eligibility has been properly determined. This review must occur no later than 30 calendar days after enrollment. Any disallowed costs associated with participants found ineligible after enrollment will be the responsibility of the SDA.*** For further information, refer to the JTPA Client Forms Handbook.

## 10. Alternative Documentation Procedure - Sampling Method:

Part V of the TAG provides the option of a sampling method for verification of eligibility. ***Within the requirements of the TAG and the State-imposed requirements discussed below***, the sampling option may be used for verification of Title III eligibility. ***Sampling is not permitted with regard to Title IV-C.*** As the TAG indicates, it is safest to document eligibility at the time of application. The alternative sample method of documentation involves the risk of enrolling ineligible individuals and can result in disallowed costs.

The following summarizes federal requirements regarding the sample method of verification of Title II programs. ***The State adopts these requirements for application to Title III programs.*** For a more detailed discussion, refer to the TAG.

- SDAs must obtain prior state approval before implementing a sampling method for verifying eligibility (see the State-imposed requirements below for further information).
- Sampling is not permitted in the Title II-B SYETP.
- SDAs must choose either 100 percent verification at intake for all participants or an approved sample verification method and, therefore, may not use sample verification for one program or area and 100 percent verification at intake for another. (NOTE: This regards only intra-title eligibility verification. As indicated in the ***State-imposed requirements*** below, SDAs may choose to apply sample verification to one title and not the other.)
- Samples must be drawn at least monthly. The SDA's management information system must be capable of providing data on enrollments by program category.
- All participants enrolled during each sample period constitute the universe for that period; the sampling system must ensure the consistent random selection of participants across the universe of all participants enrolled in each sample period; no participant may be arbitrarily excluded from the sample; and the sampling procedures must conform to generally accepted statistical practice.

- Minimum program year sample sizes and percentages applied to each sample period must be in accordance with the table on page V-3 of the TAG.
- If sampled participants cannot be located or refuse to produce the minimum documentation required, they will be considered ineligible for JTPA services.
- For monitoring and auditing purposes, SDAs must document their sample procedures and maintain adequate documentation on all sampled participants.
- For those males to whom it applies, Selective Service registration may not be verified through sampling and must be in accordance with JTPA Section 604. (For further information, refer to Appendix B of the TAG and to number 6 under Policy and Procedures, above.)

In addition to the sampling requirements stated in the TAG, the following State requirements are added:

- ***SDA sampling systems must be in accordance with both federal and State sampling requirements and must be described in Part II, Section 6 and (if used in Title III) Part III, Section 2 of the Job Training Plan or modification.***
- ***Title II-A/C and Title III shall constitute separate sampling universes. An SDA may employ sampling for one universe and not the other.***
- ***The verification of eligibility for each initial sample must be completed within 30 calendar days of the last day of the period (e.g., month) sampled. Other samples may be required depending on the results of the initial sample. An additional 15 calendar days will be allowed for the verification of each subsequent sample, as described below.***
- ***If more than five percent of the sampled enrollees are ineligible, the SDA must identify the reason(s) for the erroneous determinations. If the SDA's analysis indicates that a certain aspect of the intake process is deficient (e.g., particular providers or staff persons), and if, when those files containing the particular problem(s) are removed the adjusted percentage of ineligibles falls under five percent (see Attachment 6, "Sampling Method - Example #1"), then the SDA must verify the eligibility of 100 percent of the enrollees whose eligibility determinations were affected by the problem aspect, and develop a plan to correct the problem(s).***

***If the SDA's analysis does not indicate that a certain aspect of the intake process is deficient, which when eliminated from the overall sample yields an adjusted percentage of ineligibles under five percent, then, in addition to prescribing corrective action to resolve specific problem areas identified in the initial sample, the SDA must perform further sampling (see Attachment 7, "Sampling Method - Example #2"). A***

***second random sample of the same size as the initial sample, which does not include any of those previously sampled, must be drawn from the enrollee universe for the period under review. The two samples must be combined and a combined percentage of ineligibles calculated. This process must be repeated until the percentage of ineligibles falls under five percent or until 100 percent of the SDA's enrollees for the period being sampled have been reviewed.***

- As an alternative to the methods described above, the SDA may verify the eligibility of 100 percent of the enrollees for the period under review. The SDA may choose this option at any point in the sample verification process.***
- Each sample review which is in addition to the initial sample must be completed within 15 calendar days. If the SDA chooses the option of reviewing 100 percent of the enrollees for the sample period, then 30 days will be allowed to complete the review with the following exception: In instances where this option is chosen after a sample or samples have already been drawn, and one additional sample of the same size would include all remaining enrollees for the period, then the final sample must be completed within 15 calendar days.***
- The SDA must document action taken regarding problems identified, including evidence that the problems have been corrected. All ineligible participants identified in sampling must be terminated immediately. If their initial enrollment was not based on fraudulent information, the ineligibles may be transferred to programs under other JTPA fund sources for which they were determined eligible at intake. Ineligible participants also may be referred to other appropriate community resources. The termination, transfer, or referral of the ineligibles must be part of the written corrective action plan.***
- If the SDA fails to document corrective action as described above, or if such action proves ineffective and the problems recur, the State may require the SDA to implement a 100 percent eligibility verification system.***

As stated in the TAG, the minimum sample size for the program year and the percentage to be applied to each sampling period must be based on the total planned enrollees for the program year. In most cases, the use of the minimum percentage from the table on page V-3 of the TAG will ensure that the total minimum required sample for the program year is achieved, even if actual enrollments vary from the plan. The total planned enrollees usually will increase if the SDA receives additional funding during the year, and sample sizes should be adjusted accordingly. ***The Job Training Plan and approved Title III Project Application(s), or the latest modifications or adjustments of these documents, will constitute the official sources regarding total planned***

***enrollments. It is required that SDAs ensure that minimum yearly sample sizes are met in relation to actual enrollments. If yearly samples vary by more than minus five percent from the prescribed minimums in relation to the actual enrollments, the State may require corrective action to ensure yearly minimum sample sizes are met.***

***Use of an approved sampling method does not prohibit auditors, monitors or other authorized persons from inspecting files relative to any or all participants. Should participants not included in sampling be discovered to be ineligible, the SDA will be liable for all costs associated with the ineligible participants. The State will consider the extent to which an SDA has adopted and followed the guidance contained in this Directive and the TAG when deciding to allow or disallow questioned costs related to the documentation of an individual's participation in JTPA programs.***

**11. Youth Eligible for Free Meals Under the National School Lunch Act:**

The TAG (pages IV-10 and IV-14) lists the following forms of documentation as acceptable for establishing eligibility for free meals under the National School Lunch Act:

- Notification letter from school.
- Notification of eligibility.
- Statement from school.

***The United States Department of Agriculture and the California Department of Education require school districts to maintain confidentiality regarding participants in the free meals program under the National School Lunch Act. Therefore, proof of eligibility for the free meals must be delivered to the SDA or other subrecipient responsible for eligibility verification by a member of the applicant's household. This documentation should consist of the applicant's copy of the "Notice of Free Meal Eligibility" during the most recent school year from the school or school district. If applicants do not possess this document, they must request a copy from the school or school district and deliver it to the SDA or applicable subrecipient. In addition, a school lunch card coded to indicate "free lunch eligibility" during the most recent school year would constitute acceptable documentation. The SDA or responsible subrecipient must ensure and be able to demonstrate to authorized reviewers that the documentation clearly substantiates free lunch eligibility, not reduced price lunches.***

**12. Twenty-five Percent Exclusion of Old Age and Survivors' Insurance Payments Regarding Income Eligibility for Title II-A Older Worker Programs:**

Pursuant to the DOL-approved waiver (see Attachment 8) regarding the Final Rule 20 CFR Section 626.5, Definitions - Family Income, ***it is the policy of the State of California to exclude 25 percent of Social Security and Old Age Survivors' Insurance benefit payments under Title II of the Social Security Act when computing the income for older workers for eligibility purposes***

*under all JTPA Title II programs. Unless rescinded or otherwise amended, this policy shall remain in effect through September 11, 1999, the maximum time allowed in the DOL waiver approval.*

**13. Title II Eligibility Documentation for Referrals from GAIN Program:**

*The SDAs may make arrangements with County Welfare Departments (CWD) to reference documentation collected for GAIN participants as verification of the following JTPA eligibility factors: social security number (for eligibility purposes, as applicable, and State reporting requirements), residency, citizenship/legal right to work in the United States, age, and economically disadvantaged status. The documentation required by the CWDs as evidence of these factors is acceptable for the purpose of determining eligibility for JTPA programs. In addition, the GAIN documentation may be used to verify the adult hard-to-serve category "recipient of cash welfare." The latter would also apply to youth if the State has approved "recipient of cash welfare" as an "additional barrier" for youth.*

*The following standards will govern such arrangements:*

- SDAs and CWDs may establish local procedures and forms/documentation for the referral and eligibility verification of GAIN clients. As an option, SDAs and CWDs may utilize a standard referral form (included with Attachment 9) developed by the Employment Development Department (EDD) and the California Department of Social Services (CDSS). The SDAs may assume that adequate documentation is contained in the Aid to Families with Dependent Children (AFDC), or its successor program, case file to substantiate the information on the form. For the SDA's records, an appropriately completed referral form will constitute acceptable documentation of the eligibility factors referenced above. The SDAs and CWDs may revise and/or add other information to the form, as long as information on these eligibility factors is not deleted.*
- The SDA/subrecipient will be responsible for documenting applicable male clients' Selective Service registration compliance, consistent with the JTPA requirements.*
- Any other information required by the SDA/subrecipient for the management information system, reporting, or other demographic informational purposes, may either be provided by the CWDs, through the locally-developed arrangements, or through the participants' self attestation.*
- The participating local CWDs will permit agents of the SDA, EDD, or other State or federal agencies access to the AFDC, or its successor program, case records, as agreed to in the Joint Policy Statement Regarding JTPA Eligibility Documentation for GAIN Participants (Attachment 9).*

***It is the responsibility of SDAs and other JTPA providers to ensure that subrecipients delegated the responsibility for eligibility determination and verification are informed regarding these requirements.***

***Please note that during the current restructuring of the State welfare system, the above standards will remain in effect. According to CDSS staff, the Temporary Assistance to Needy Families block grant program, AFDC's successor program, will require documentation sufficient to satisfy the JTPA eligibility factors noted above.***

**14. Immigration Reform and Control Act (IRCA) of 1986 I-9 Employment Eligibility Verification Form:**

A copy of the latest revision (November 1991) of the I-9 "Handbook for Employers" is included in Attachment 10 to this Directive. Attachment 10 also contains two INS Employer Information Bulletins regarding the I-9. The Handbook provides instructions for completing the I-9. In addition, the Handbook and the information bulletins answer many questions regarding the I-9 requirements and procedures. The SDAs and/or their subcontractors who are employers of participants in work experience or other work-based JTPA programs which provide wages or other remuneration (see the Handbook, page 12, question 4), are required by IRCA to:

- Check documents establishing each employee's identity,
- Properly complete a Form I-9,
- Retain the I-9 for three years after the date of hire or one year after the date the individual's employment is terminated, whichever is later, and
- If requested, present the I-9 for inspection by the INS or DOL officer.

It is not required that SDAs or their subcontractors complete the I-9 for JTPA participants in work-based training wherein the SDA/subcontractor is not the employer of record (e. g., On-the-Job Training).

The IRCA allows employers to designate another entity to complete the I-9 verification process on their behalf. However, unless the designated entity is the EDD Job Service, liability remains with the employer (see the Handbook, page 16, question 29, and page 18, question 39, for further information).

The Immigration Act of 1990 amended the Immigration and Nationality Act, adding new provisions affecting employers regarding anti-discrimination and fraud. For the purpose of satisfying the employment eligibility verification requirements, an employer cannot request that an employee present more or different documents than required. Furthermore, an employer cannot refuse to honor documents which on their face reasonably appear to be genuine and to relate to the person presenting them. See Part 4 of the I-9 Handbook of Instructions for further information. Under the new law, it is unlawful for anyone to knowingly engage in various fraudulent activities (forging, counterfeiting, or



altering documents, etc.) for the purposes of satisfying IRCA requirements. See Part 1, page 2, and Part 5 of the I-9 Handbook for further information.

With the exception of the voter's registration card (List B on the I-9), the documentation criteria for the I-9 may be used for documentation of the citizen/alien status (i.e., the right-to-work in the United States) for all JTPA participants, whether or not they are employed by the SDA or its subrecipients. See Attachment 1, Change 5, for further information.

**15. Accessibility of Documentation:**

The JTPA Section 165(e) requires states to ensure that adequate records are maintained regarding all pertinent administrative, programmatic and fiscal aspects of JTPA programs. Records must be accessible for reviews by authorized federal and State personnel. ***It is required that SDAs and applicable subrecipients make available to federal and State monitors and other authorized persons all documentation used in the verification of JTPA participant eligibility. This includes the documentation of required corrective action. If the SDA does not maintain all required documentation pertaining to participant eligibility at one location, it may be required that documentation needed by authorized reviewers to complete their reviews be collected at one or several locations in order to facilitate the reviews. Such requirements will be at the discretion of the reviewers and may depend on the scope of and time available for the reviews. These requirements will apply both to systems which employ 100 percent verification and to State-approved sampling systems.***

**16. Residency - Title III:**

The JTPA Section 311(b)(1) and 20 CFR Section 631.36(a)(1)(iii) require that services will not be denied to an eligible worker dislocated by a permanent closure or substantial layoff within the state (the term "substantial layoff" is defined in 20 CFR Section 631.2), regardless of the state of residence of the worker. It is further stated that services may be provided to other dislocated workers (e.g., layoffs not related to permanent closures or substantial layoffs, workers who are long-term unemployed, and those who were self-employed) regardless of the state of residence of such workers. Therefore, SDAs may not exclude persons eligible under JTPA Section 301(a)(1)(B) based on the state of residence. The SDAs have the choice of serving or not serving other eligible applicants. With regard to the latter, SDAs that choose to serve such applicants should base decisions to serve individuals on objective criteria which take into account factors such as service priorities, suitability, and most-in-need criteria.

**ACTION:**

All requirements in this Directive are effective the date of its issuance. Make certain that your eligibility verification procedures are consistent with these requirements. This Directive should be shared with all SDA and subrecipient staff responsible for

determining and verifying eligibility for JTPA programs, as well as other individuals deemed appropriate.

**INQUIRIES:**

Address questions regarding this Directive to your assigned JTPD Program Manager.

/S/ BILL BURKE

Acting Assistant Deputy Director

Attachments included on-line:

1. Composite of Acceptable Title III Documentation (Attachment 2)
2. Composite of Acceptable Title IV-C Documentation (Attachment 4)
3. Sampling Method - Example #1 (Attachment 6)
4. Sampling Method - Example #2 (Attachment 7)

Additional attachments not available on line. To obtain a copy e-mail JTPD at **JTPDLIB@EDD.CA.GOV** or contact Jim Scholl at (916) 657-4610.

5. DOL TEIN 22-92, Changes 1 through 5, and JTPA Information Bulletins B96-67, B96-54, and B96-83 (Attachment 1)
6. Title III Eligibility Decision Tree RE: Defense Downsizing (Attachment 3)
7. DOL TEIN 20-94, Change in Selective Service Registration Status Information Letters and Registration FAX Verification form (Attachment 5)
8. DOL waiver regarding older worker income exclusion (Attachment 8)
9. Joint Policy Statement Regarding JTPA Eligibility Documentation for GAIN Participants and GAIN Referral form (Attachment 9)
10. Handbook for Employers and INS Employer Information Bulletins 96-03 and 96-09 (Attachment 10)

## COMPOSITE OF ACCEPTABLE TITLE III DOCUMENTATION

### INTRODUCTION

This part provides a comprehensive list of state-developed Title III eligibility criteria aligned with appropriate documentation sources. The following tables list the specific eligibility criteria and the documentation sources to verify eligibility. A copy of any one source of eligibility determination will satisfy the State's documentation requirements, unless otherwise specified.

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, a Telephone Verification/Documentation Inspection Form has been developed by the Department of Labor (DOL) to document any Job Training Partnership Act (JTPA) eligibility requirement. See Appendix A of the DOL Title II Eligibility Documentation Technical Assistance Guide (TAG) for a suggested form and specific instructions on its use. This form serves a dual purpose:

1. Documentation Inspection--used in cases when documents cannot or may not be copied, and/or if program recruitment is being done in the field; and
2. Telephone Verification--used to verify eligibility information through governmental, private and/or social service agencies, or, ***for Title III, present or former employers***. Information recorded on this form must include all the applicable information to enable a monitor and/or auditor, to adequately verify eligibility, i.e., document name, contact name, telephone numbers, addresses, etc.

In cases where neither first source documentation nor telephone contact/document inspection methods are available, an applicant statement may be used. See Part III of the TAG for a sample form and instructions.

All participants in Title III programs must have the right to work in the United States and must satisfy the Selective Service registration requirements of JTPA Section 604. Verification requirements regarding citizen/alien status (i. e., right to work in the United States) are contained in the TAG. Requirements for Selective Service registration are contained in Appendix B of the TAG and on pages 6 and 7 of this Directive. The applicant statement may not be used for verification of citizen/alien status or Selective Service registration.

## TABLE OF DOCUMENTATION TO ESTABLISH JTPA TITLE III PROGRAM ELIGIBILITY

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
<b>GENERAL ELIGIBILITY</b>	
<p><b>JTPA § 301 (a) (1) (A)</b></p> <p><b>For individuals referred through California's Worker Profiling and Reemployment Services system,</b> any of the documents to the immediate right may be accepted as <b>stand-alone</b> evidence of dislocated worker status under JTPA §301(a)(1)(A). <i><b>However, if the individual is employed full time at the point of application in a job other than what would be considered a "dead end" or income maintenance job (see documentation of "poor employment history," below), then the individual cannot be considered a dislocated worker.</b></i></p> <p><b>For individuals not referred through Profiling,</b> documentation must be obtained regarding each of the following three conditions:</p> <p>Individuals who "have been terminated or laid off or who have received a notice of termination or layoff from employment, . . ."</p>	<p>Appointment Notice of referral to an Initial Assistance Workshop (IAW); or</p> <p>Screen print of IAW schedule; or</p> <p>Reemployment Plan generated from IAW; or</p> <p>Invitation Letter to Self Employment Assistance (SEA) orientation; or</p> <p>Screen print of SEA schedule.</p> <p>NOTE: If one of the above is not available, documented telephone verification from the EDD field office will suffice.</p>
<p>Individuals who "have been terminated or laid off or who have received a notice of termination or layoff from employment, . . ."</p>	<p>Employer layoff notice (Note: The notice must be addressed to the applicant and/or include a layoff list which includes the applicant); or</p> <p>Severance pay documentation which verifies that the applicant was terminated or laid off; or</p> <p>Evidence of early retirement in lieu of layoff or discharge; or</p> <p>Unemployment Insurance (UI) documents which identify the applicant and employer and which verified termination or lay off status; and</p>

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
GENERAL ELIGIBILITY	
<p><b>JTPA § 301 (a) (1) (A) Continued</b></p> <p>" . . . are eligible for or have exhausted their entitlement to unemployment compensation, . . ."</p> <p>" . . . and are unlikely to return to their previous industry or occupation."</p> <p>Sometimes it may be difficult to determine what constitutes the "previous industry or occupation," as opposed to the jobs that constitute "poor employment history" in determining that the individual is "unlikely to return" to that industry or occupation. To make this determination, it is suggested that SDAs have a "look-back" period of five years (longer if necessary) to find the last job at which the individual worked for at least one year. If the individual had no job in the look-back period which lasted at least one year, then the SDA should designate the longest</p> <p>continuous job at which the individual worked. Once the former industry or occupation has been established, then the SDA may apply the various criteria listed to the right to determine if the individual is unlikely to return to that industry or occupation.</p>	<p>UI documents (e.g., award letter, benefit pay stubs); or</p> <p>Verification of UI eligibility by local UI office (e.g., claim record, written verification); or</p> <p>Wages from layoff employer considered in determining UI eligibility, per 20 CFR §631.3(a); and</p> <p>Worked in a declining industry/occupation, as documented on State or locally-developed lists of such industries/occupations. State lists are available from the Employment Development Department's (EDD) Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, the Private Industry Council, economic development agency, a qualified consultant/educational entity, or other valid "public use quality" source of labor market information; or</p> <p>Has had a lack of job offers as documented by the local Job Service (JS)/Unemployment Insurance (UI) office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation; or</p> <p>Worked in an industry/occupation job for which there are limited job orders in the EDD Job Match system at the time of eligibility determination, as certified by the local EDD field office, or by SDA staff with access to the Job Match data base. What constitutes "limited" for various occupations should be determined locally by the SDA in consultation with the local EDD; or</p> <p>Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the client's educational achievement levels, testing, or other suitable means; or</p> <p>Has physical or other problems which would preclude reentry into the former industry/occupation, as documented by a physician/other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.); or</p>

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
GENERAL ELIGIBILITY	
<p><b>JTPA § 301 (a) (1) (A) Continued</b></p>	<p>Has a poor employment history indicating a reduced capacity or ability to be reemployed in the former industry/occupation. Poor employment history may include, but is not limited to, such situations as: employment has been limited to one or more part-time (20 hours per week or less) or short-term (four months or less) jobs within the prior year which were for the purpose of income maintenance rather than a career path (i.e., the jobs were "dead end" type jobs which would not prepare the individual for permanent reemployment in the previous industry or occupation); unemployment insurance and/or public assistance receipt in the prior year with little or no employment in interim periods, indicating a poor work history. (Note that "no employment" does not mean that the applicant has never had employment. To be an eligible dislocated worker, one must have had a previous occupation, i.e., a connection to the labor market. This subsection refers to the period after the original dislocation, during which the applicant may have had no, or limited employment indicating an unlikelihood of return to the previous occupation from which the dislocation occurred.)</p>
<p><b>JTPA §301(a)(1)(B)</b></p> <p>Individuals who "have been terminated or have received a notice of termination of employment, as a result of any permanent closure of or any substantial layoff at a plant, facility, or enterprise"</p> <p><b><i>A "plant, facility, or enterprise" may be considered a distinct unit of a business or industry; for example, the closure of a division of a corporation, the entire facility at a specific site or location, or the closure of a functional unit, such as a warehouse.</i></b></p> <p>A change in ownership in itself does not constitute a closure; however, it may cause a "substantial layoff" as defined in 20 CFR §631.2(a)(b).</p>	<p>Employer notice of intent to permanently close a plant/facility/enterprise; or</p> <p>Worker Adjustment and Retraining Notification Act (WARN) notice; or</p> <p>If neither of the above can be obtained, a newspaper article or public notice documenting closure or employer's notice of intent to close; or</p> <p>Documentation of substantial layoff at a single site. A substantial layoff, as defined in 20 CFR §631.2(a)(b), has occurred if within a 30-day period, at least one-third of the workforce (at least 50 employees, excluding those regularly working less than 20 hours per week) or a minimum of 500 employees (excluding those working less than 20 hours per week) have been laid off. Documentation examples: employer notice, WARN notice, or newspaper article specifying number/ratio of layoffs and time period.</p>

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
GENERAL ELIGIBILITY	
<p>See 20 CFR §631.3(b) RE: services allowable in cases of public announcement of planned closure <u>without</u> individual notices to workers.</p>	<p>In addition to the above, there must be evidence that the individual is/was employed at the facility (e.g., payroll records, employee identification) and, for services other than those allowed under 20 CFR §631.3(b), an individual layoff notice.</p>
<p><b>JTPA §301(a)(1)(C)</b></p> <p>Individuals who "are long-term unemployed . . ."</p> <p><b><i>Definition of "long-term unemployed:" Any individual who is unemployed at the time of eligibility determination and has been unemployed for 15 or more of the 26 weeks immediately prior to such determination.</i></b> (State of California JTPA Directive Number 87-7 Subject: Glossary of Job Training Partnership Act Terms).</p> <p>Once it has been determined that the individual has been unemployed for at least 15 of the 26 weeks prior to eligibility determination, it must be determined if the individual has limited opportunities for employment or reemployment in the same or similar occupation in the area in which the individual resides, including older individuals who may have substantial barriers to employment by reason of age.</p> <p>". . . and have limited opportunities for employment or reemployment in the same or similar occupation in the area</p>	<p>UI claim records, such as Unemployment Claim Record (UCLR) 1 and the Unemployment Pay Input (UPIN) 1 (Note: the individual does not have to be UI eligible in order to meet the criteria for long-term unemployed; however, UI records can provide one way of documenting unemployed status during some or all of the required 15 weeks in the prior 26); or</p> <p>Other Job Service documentation which verifies periods of unemployment (Note: The J107 Client Work History should not be used as first source documentation, since this is a self report/self certification. It may, however, be used in conjunction with an Applicant Statement, if no other sources of documentation are available); or</p> <p>Written documentation which includes the date of termination or layoff (e.g., a termination notice at least 15 weeks old); or</p> <p>Written evidence of job-seeking efforts (e.g., copies of application letters, rejection letters) which would substantiate that the individual has been unemployed at least 15 of the last 26 weeks; or</p> <p>Any combination of the above or any other documentation which substantiates that the individual has been unemployed at least 15 of the last 26 weeks; and</p> <p>Worked in a declining industry/occupation, as documented on State of locally-developed lists of such industries/occupations. State lists are available from the Employment Development</p>

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
GENERAL ELIGIBILITY	
<p><b>JTPA §301(a)(1)(C) Continued</b></p> <p>in which such individuals reside, including older individuals who may have substantial barriers to employment by reason of age.</p> <p>An individual may be considered as having limited opportunities for return to the previous industry/ occupation if one or more of the circumstances listed to the right applies to such individual. Sometimes it may be difficult to determine what constitutes the previous industry or occupation, as opposed to the jobs that constitute “poor employment history” in determining that there are limited opportunities for return to that previous industry or occupation. To make this determination, it is suggested that SDAs have a “look-back” period of five years (longer if necessary) to find the last job at which the individual worked for at least one year. If the individual had no job in the look-back period which lasted at least one year, then the SDA should designate the longest continuous job at which the individual worked. Once the former industry or occupation has been established, then the SDA may use one or more of the various types of documentation listed to the right to verify that the individual has limited opportunities to return to that industry or occupation.</p>	<p>Department’s (EDD) Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, the Private Industry Council, economic development agency, a qualified consultant/educational entity, or other valid “public use quality” source of labor market information; or</p> <p>Has had a lack of job offers as documented by the local Job Service (JS)/Unemployment Insurance (UI) office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation; or</p> <p>Worked in an industry/occupation job for which there are limited job orders in the EDD Job Match system at the time of eligibility determination, as certified by the local EDD field office, or by SDA staff with access to the Job Match data base. What constitutes “limited” for various occupations should be determined locally by the SDA in consultation with the local EDD; or</p> <p>Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the client’s educational achievement levels, testing, or other suitable means; or</p> <p>Has physical or other problems which would preclude reentry into the former industry/occupation, as documented by a physician/other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.); or</p> <p>Has a poor employment history indicating a reduced capacity or ability to be reemployed in the former industry/occupation. Poor employment history may include, but is not limited to, such situation as: employment has been limited to one or more part-time (20 hours per week or less) or short-term (four months or</p>



ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
GENERAL ELIGIBILITY	
<p><b>JTPA §301(a)(1)(C) Continued</b></p>	<p>less) jobs within the prior year which were for the purpose of income maintenance rather than a career path (i.e., the jobs were “dead end” type jobs which would not prepare the individual for permanent reemployment in the previous industry or occupation); unemployment insurance and/or public assistance receipt in the prior year with little or no employment in interim periods, indicating a poor work history. (Note that “no employment” does not mean that the applicant has never had employment. As stated in the left column, to be an eligible dislocated worker, one must have had a previous occupation, i.e., a connection to the labor market. This subsection refers to the period after the original dislocation, during which the applicant may have had no, or limited employment indicating limited opportunities to return to the previous occupation from which the dislocation occurred.)</p>
<p><b>JTPA §301(a)(1)(D)</b></p> <p>Self-employed (including farmers and ranchers) and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters</p> <p>Note that the unemployment of the formerly self-employed individual must be a result of <u>general economic conditions</u> in the local community which have affected the individual’s farm, ranch or business (i.e., not merely the result of poor business practices by the individual). Such information may be obtained from the Labor Market Information Division of the Employment Development Department, the local Job Service Office, or other appropriate sources of labor market information.</p>	<p>Documentation which substantiates <b>one or more</b> of the following events or circumstances:</p> <p>Notice of foreclosure or intent to foreclose; or</p> <p>The failure of the business to return a profit during the preceding 12 months (e.g., balance sheet/other financial records showing losses); or</p> <p>The entry of the self-employed individual into bankruptcy proceedings; or</p> <p>The inability to obtain capital necessary to continue operations (e.g., loan application rejection by lending institution); or</p> <p>A debt-to-asset ratio sufficiently high to be indicative of the likely insolvency of the business (e.g., balance sheet/other financial records); or</p> <p>Substantial layoff(s), as defined in 20 CFR §631.2, from, or permanent closure(s) of one or more plants or facilities to which the self-employed individual <u>supplied</u> or from which they <u>obtained</u> a substantial portion (<b>at least 20 percent</b>) of products or services. Documentation examples: Employer notice, WARN notice, or newspaper article specifying number/ratio of layoffs and time period <b><i>plus records of business transactions with the affected entity(ies) substantiating that at least 20 percent of products/services were supplied to/obtained from such entity(ies)</i></b>; or</p>

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
GENERAL ELIGIBILITY	
<p><b>JTPA §301(a)(1)(D) Continued</b></p>	<p>Any other reasonable documentation which indicates that the self-employed individual became unemployed due to general economic conditions in the community; or</p> <p>Documentation of natural disaster affecting applicant's business or industry (i.e., flood, earthquake, drought, fire, tsunami, etc.)</p>
<p><b>JTPA §301(a)(2) &amp; 311(b)(4)</b></p> <p>Additional services under Title III may be provided to displaced homemakers if such <u>services do not adversely affect the delivery of such services to eligible dislocated workers, as stated in §311(b)(4)</u>. "Displaced homemaker" is defined in JTPA §4(29).</p>	<p>Welfare agency records indicating that the individual is on public assistance and the individual's youngest child is within two years of losing eligibility under Part A of Title IV of the Social Security Act; or</p> <p>Documentation of termination of support from other family member; and (in addition to one of the above)</p> <p>UI records or other documentation which indicates difficulty in obtaining adequate employment (part time or "dead end" type jobs, Job Service verification, rejection letters from employers, etc.).</p>
CLOSURE ANNOUNCEMENT, NO INDIVIDUAL EMPLOYEE NOTICES	
<p><b>JTPA §314(h)</b></p> <p>Workers at facility which the employer has made a public announcement that such facility will close, and who have not received a specific notification of termination or layoff (JTPA §314(h), as amended by §4467 of the National Defense Authorization Act of 1993).</p> <p>All workers, excluding those likely to remain employed with the employer or who are likely to retire, can receive basic readjustment services, excluding supportive services and relocation assistance, from the date of the public announcement; can receive allowable basic readjustment, retraining and supportive services beginning 180 days prior to the date on which the facility is scheduled to close.</p>	<p>Public announcement of facility closure which includes date scheduled to close; and</p> <p>Documentation establishing an individual as employee of such facility; and</p> <p>Documentation indicating employee not likely to remain employed or retire (may use applicant statement if no documentation is available from employer).</p>

<b>DEFENSE CONVERSION ADJUSTMENT ACT (DCA) - JTPA SECTION 325</b> <b>(Also refer to attached "Eligibility Decision Tree")</b>	
Involuntarily Separated (ref: U.S. Code, Chap. 10, §1141) Armed Service Member, including those eligible for retirement pay.	DD 214 or other military separation document, which indicates involuntary separation not under "adverse conditions" (U.S. Code, Chap 10, §1141)
Civilian employee of Department of Defense (DOD) employed at a Military Installation slated for closure or realignment per Base Closure and Realignment Commission (BRAC), including those eligible for separation incentives or retirement pay.	Individual notice of termination (individuals receiving separation incentive must receive individual notice); or Announcement of installation closure or realignment date.  Eligible individuals may receive training, adjustment assistance, and employment services as of the date of the individual notice or up to 24 months prior to the installation closure/realignment date, whichever is earlier.
Other federal civilian or Defense Contractor employees, including those receiving separation incentives or eligible for retirement or retainer pay.	Individual termination notice indicating termination as a result of reductions in expenditures by U.S. for defense.
<b>DEFENSE DIVERSIFICATION PROGRAM (DDP) - JTPA SECTION 325A</b> <b>(Also refer to attached "Eligibility Decision Tree")</b>	
Was on active duty in Armed Services or full time National Guard duty as of 9/30/90, and during 5-year period beginning on that date, is involuntarily separated or voluntarily separates under Incentive Program (U.S.C., Chap. 10, §1174a & §1175); <b>and not eligible for retirement pay.</b>	DD 214/other military separation document indicating separation not under "adverse conditions" (U. S. C., Chap. 10, §1141); and  Documentation indicating retirement pay ineligibility.
Civilian employee of DOD employed at a Military Installation slated for closure or realignment per BRAC.	Individual termination notice; or Installation closure or realignment notice.  Eligible individuals may receive training, adjustment assistance, and employment services as of the date of the notice or up to 24 months prior to the installation closure notice, whichever is earlier.
Other federal civilian or Defense Contractor employees not receiving separation incentive and not eligible for retirement or retainer pay.	Termination notice during 5-year period beginning 10/1/92, indicating termination due to reductions in defense spending and not eligible for retirement or retainer pay incident to the termination. Eligible individuals may receive services up to 180 days before the projected termination date.
<b>CLEAN AIR EMPLOYMENT TRANSITION ASSISTANCE JTPA SECTION 326</b>	
All workers	Eligible in accordance with JTPA §301(a) - see documentation requirements under "General Eligibility;" and  Termination notice/other document indicates termination as consequence of compliance with the Clean Air Act.

## COMPOSITE OF ACCEPTABLE TITLE IV-C DOCUMENTATION

### INTRODUCTION

This part provides minimum documentation requirements to verify eligibility for Title IV-C Veterans' Employment Programs. All participants in Title IV-C programs must have the right to work in the United States and must satisfy the Selective Service registration requirements of the Job Training Partnership Act (JTPA) Section 604. Verification requirements regarding citizen/alien status (i. e., right to work in the United States) are contained in the Department of Labor (DOL) Title II Eligibility Documentation Technical Assistance Guide (TAG). Requirements for Selective Service registration are contained in Appendix B of the TAG and number 6 under Policy and Procedures in the attached Directive.

The categories specific to Title IV-C eligibility are contained in Section 441(a)(1) of JTPA. For JTPA Title IV-C purposes, the term "veteran" as defined in JTPA Section 4(27)(A), shall refer to an individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

In addition, the individual must fit at least one of the following three categories:

1. Service-connected disabled veteran: a veteran who is entitled to compensation under laws administered by the Department of Veterans' Affairs **or** an individual who was discharged or released from active duty because of a service-connected disability.
2. Veteran of the Vietnam Era: an eligible veteran whose active military service was during the Vietnam era (i.e., any part that occurred between August 5, 1964, and May 7, 1975).
3. Veterans who are recently separated from military service: any veteran who first applies for participation in a program funded under any title of JTPA within 48 months after separation from military service.

The table below lists the specific eligibility criteria and the documentation sources to verify eligibility. Any one or a combination of the listed documents necessary to verify one of the above three categories will satisfy the verification requirements.

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, a Telephone Verification/Documentation Inspection Form has been developed by DOL to document any JTPA eligibility requirement. See

Appendix A of the TAG for a suggested form and specific instructions on its use. This form serves a dual purpose:

1. Documentation Inspection—used in cases when documents cannot or may not be copied, and/or if program recruitment is being done in the field; and
2. Telephone Verification—used to verify eligibility information through governmental, private and/or social service agencies. ***For application to Title IV-C, these agencies would include the federal or State Department of Veterans Affairs, and any other federal, state, or local governmental veterans' services agencies able to verify Title IV-C eligibility factors.*** Information recorded on this form must include all the applicable information to enable a monitor and/or auditor, to adequately verify eligibility, i.e., document name, contact name, telephone numbers, addresses, etc.

***Sampling and the applicant statement may not be applied to Title IV-C eligibility verification.***

**TABLE OF DOCUMENTATION  
TO ESTABLISH JTPA TITLE IV-C  
PROGRAM ELIGIBILITY**

<b>ELIGIBILITY CRITERIA</b>	<b>ACCEPTABLE DOCUMENTATION</b>
<p>Service-connected disabled veteran Veteran of the Vietnam Era (8/5/64 to 5/7/75)</p> <p>Veterans recently separated from military service (first applies within 48 months of separation)</p>	<p><b>Any one or a combination of the following documents necessary to verify one of the three eligibility categories (Note: Documentation must indicate that discharge was other than dishonorable.):</b></p> <p>DD-214, Report of Transfer or Discharge (may also be used to verify citizenship/right-to-work if birthplace in United States is shown); <b>or</b></p> <p>Other official discharge document(s); <b>or</b></p> <p>Written communication with federal or State Department of Veterans' Affairs or other government veterans' service agency; <b>or</b></p> <p>Telephone Contact Form (see Title II TAG, Appendix A) with government veterans' service agency, if copies of documentation unavailable.</p>

## SAMPLING METHOD - EXAMPLE #1

The Service Delivery Area (SDA) delegates responsibility for eligibility verification to its service providers. A random sample is drawn from the SDA's total participants enrolled each month, and the names are sent to affected service providers for verification. The SDA's total number of planned enrollees for the program year is 1,300. Applying the required sampling percentage from the chart on page V-3 of the TAG, the SDA would randomly sample 30 percent of each month's total enrollees. In the month sampled for this example, the SDA enrolls 120, and draws a random sample of 36 (.3 x 120).

Based on documentation from the providers, the SDA identifies four potentially ineligible enrollees among the 36 files sampled, equal to 11.2 percent of the total and, therefore, beyond the five percent tolerance level. Three of the four are found to have a similar characteristic: They were all enrolled by the same service provider. The SDA then removes the enrollments and questioned files from the total sample and calculates an adjusted percentage based on the adjusted sample and adjusted number of errors. If the problem service provider had nine of the 36 files sampled, then the adjusted percentage of ineligibles would be 3.7 percent (one of 27, as shown in the table below), which is within the five percent tolerance level.

	All Providers In Sample	Problem Provider	Adjusted Sample
Sample Size	36	9	27
Number of Ineligibles	4	3	1
Percent of Ineligibles	11.2%	33%	3.7%

**REQUIRED ACTIONS:** The SDA must (1) review the remainder of the problem provider's enrollees for the month sampled (i.e., all other enrollees in addition to the nine already reviewed as part of the random sample); (2) terminate, transfer or refer the four ineligible participants plus any others identified in the subsequent review of the problem provider's files, unless missing documentation is the problem identified; in the latter instance, the participant(s) would not have to be terminated, provided that documentation sufficient to verify eligibility could be obtained; and (3) develop a corrective action plan with the problem provider to resolve the issue.

## SAMPLING METHOD - EXAMPLE #2

The Service Delivery Area (SDA) performs all eligibility verification in-house. A random sample is drawn from the SDA's total participants enrolled each month. The SDA's total number of planned enrollees for the program year is 940. Applying the required sampling percentage from the chart on page V-3 of the TAG, the SDA would randomly sample 38 percent of each month's enrollees. In the month sampled for this example, the SDA enrolls 92, and draws a random sample of 35 ( $.38 \times 92$ ).

The SDA identifies three ineligible enrollees among the 35 files sampled, equal to 8.6 percent of the total and, therefore, beyond the five percent tolerance level, as indicated on the chart below. The three erroneous eligibility determinations were made by three different intake specialists, and the SDA can identify no similar characteristic. The SDA then draws a second random sample of 35 which does not include any of the initial 35. No additional ineligible enrollees are identified in the second sample. The percentage of ineligibles in the combined samples is 4.3 percent (3 divided by 70) and, therefore, within the five percent tolerance level. No further sampling is required.

	Number Sampled	Number of Ineligibles	Percent of Ineligibles
Sample Size	35	3	8.6%
Second Sample	35	0	0%
Combined Sample	70	3	4.3%

**REQUIRED ACTIONS:** The SDA must terminate, transfer or refer the three ineligible participants. If missing documentation is the problem identified regarding any of the three, then the participant(s) would not have to be terminated, provided that documentation sufficient to verify eligibility could be obtained.

In addition to the required action, the SDA should work with the applicable intake workers to ensure that the problems do not recur.